

## **HALL & ASSOCIATES**

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October 22, 2012

### **VIA FOIA WEBSITE**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW (2822T)  
Washington, D.C. 20460  
E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov)

**RE: Freedom of Information Act Request for Records Associated with EPA's Response to the Great Bay Municipal Coalition's Scientific Misconduct Letter**

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2. This request is submitted by Hall & Associates on behalf of the Great Bay Municipal Coalition ("the Coalition"). For purposes of this request, the definition of "records" includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages, policy statements, data, technical evaluations or analysis, and studies.

### **Background:**

On May 4, 2012, the Coalition submitted a letter to EPA Administrator Lisa Jackson and Inspector General Arthur A. Elkins, Jr. requesting the review of Great Bay water quality criteria compliance and permitting be withdrawn from EPA Region I in order for a new peer review to be conducted by an independent panel of experts who can assess the scientific basis of the Region's position. The letter described how EPA has refused to allow an open peer review with public involvement in the process. Related to this request, the Coalition has met with EPA and submitted supplemental information to Ellen Gilinsky, Senior Policy Advisor, EPA's Office of Water on this issue.

On September 27, 2012, Nancy Stoner, EPA's Acting Assistant Administrator, responded to the Coalition stating EPA "has not seen any evidence that Region I engaged in scientific misconduct." The letter also states EPA "has not made a final decision on [the Coalition's] request for additional peer review."

**Request:**

The following statements were made by Nancy Stoner in the September 27, 2012 letter:

*The [peer] reviewers had access to all comments provided to NH DES during the public comment period described above, including those of the affected municipalities.*

Please provide us with (1) a copy of all materials (other than the 2009 Criteria document) provided to the peer reviewers and (2) any records indicating whether the peer reviewers were allowed to review comments developed by the Coalition, or its representatives, after the “public comment period” for the 2009 Criteria document, when it was learned that a peer review was ongoing.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsible to this request and send them to the undersigned at the above address. If any requested records are withheld based upon any asserted privilege, please identify the basis for the non-disclosure. Moreover, to the extent EPA asserts that a document, or portions thereof, is privileged, the Agency is still responsible for producing the non-privileged portions of that document. If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that agency resources are conserved and only the necessary documents are reproduced.

Sincerely,

/s/ John C. Hall

JOHN C. HALL

Cc: Great Bay Municipal Coalition